

# Town of North Hempstead



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## **Board of Zoning Appeals**

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## *Commissioner of Planning*

Michael A. Levine, AICP

**1546th**

**PUBLIC HEARING**

**WEDNESDAY, JANUARY 11, 2012**

**9:30 A.M.**

**TOWN OF NORTH HEMPSTEAD**

**BOARD OF ZONING APPEALS**

**CONTINUED CASE**

**JANUARY 11, 2012**

**APPEAL #19192 – Jeffrey F. Morris**, variances 70-40.C, 70-101.A, 70-208.F, to permit the addition and alterations to a non-conforming single-family dwelling within the required front yard setback; N/E/cor. #51 Harbor Hills Dr., Port Washington, Sec. 4, Blk. 4, Lots 49-52, R-B District.  
**GRANTED**

**NEW CASES**

**JANUARY 11, 2012**

**APPEAL #19212 – Oscar Cuevas/Charles Yu**, variance 70-51.A, 70-208.F, to permit maintenance of an enclosed rear porch within the required side yard setback on a non-conforming single-family dwelling; E/side 46-23 Arcadia La., 220' S/of Pembroke Ave. Great Neck, Sec. 2, Blk. 78, Lot 17, R-C District.  
**CONTINUED**

**APPEAL #18884.A - Gita Rose/Edward W. Dickman, AIA**, variance 70-31.A to permit the enclosure of an existing open porch to a one story frame addition to a dwelling with established insufficient side yard setback & the maintenance of a wood deck with insufficient side yard setback; E/side #3 Berkshire Rd., 140' N/of Allenwood Rd., Great Neck, Sec. 2, Blk. 147, Lots 323-324, R-A District (renewal of expired variance originally granted June 23, 2010).  
**GRANTED**

**APPEAL #19214 – Kevin Kelly** – variances 70-40.C and 70-208.F to permit the enclosure of a porch within a required front yard setback and an enclosure of a second story porch for conversion to habitable space on a non-conforming single-family dwelling; W/side 42 Oxford Rd., 74' S/of Foxhurst Ln., Manhasset, Sec. 3, Blk. 54, Lot 166, R-B District.  
**GRANTED**

**APPEAL #18702.A – Stephen Klyce**, amendment to prior variance 70-29.C, to maintain an addition to a single-family dwelling, exceeding the permitted gross floor area; N/side 5 North Court, 744' W/of Pine Dr., Port Washington, Sec. 5, Blk. C, Lot 60, R-A District (amendment to variance originally granted October 21, 2009).  
**GRANTED**

**APPEAL #19216 – Beatrice Simpson (Carmela Laucella Trust)**, variance 70-50.A & 70-208.F to permit the maintenance of a conversion of an open porch to habitable space within the required front yard setback; N/side #143 Bayview Ave., 260' E/of Maple Ave., Port Washington, Sec. 5, Blk. 84, Lot 36, 37, R-C District.  
**GRANTED**

**APPEAL #19217 – Beatrice Simpson (Carmela Laucella Trust)**, variance 70-50.A & 70-208.F, to permit the maintenance of a conversion of an open porch to habitable space within the required front yard setback; N/side #141 Bayview Ave., 220' E/of Maple Ave., Port Washington, Sec. 5, Blk. 84, Lots 34, 35, R-C District.

**GRANTED**

**APPEAL #19218 - Jerome Perelman**, variances 70-100.2A(2), 70-100.2A(4), 70-100.2A(4)(a)[5], 70-100.2A(4)(b), 70-100.2H, to permit the maintenance of an A/C unit within the front yard setback and maintain fencing exceeding the permitted height and within a required front yard; N/E/cor. 18 Jessica Pl. & MacGregor Ave., Roslyn Heights, Sec. 7, Blk. 49, Lot 72, R-C District.

**GRANTED W/CONDITIONS**

**APPEAL #19219 – Diane Balsamo**, variance 70-100.2.A(4) to permit the maintenance of fencing exceeding the permitted height; S/side 1746 Broadway, 398.03' W/of Belmont Ave., New Hyde Park, Sec. 8, Blk. 254, Lot 54, R-B District.

**DENIED**

**APPEAL #19220 - Igor Sikiric/Emilio Susa, R.A.**, variances 70-40, 70-41 & 70-208.F to permit a second story addition within a required side yard setback and a covered porch within a required front yard setback on a non-conforming single-family dwelling; E/side 29 Eton Rd., 50.58' S/of Aster Rd., New Hyde Park, Sec. 8, Blk. 303, Lot 29, R-B District.

**GRANTED**

**APPEAL #19221 – Anthony DiProperzio/Demetrio Alleva**, variances 70-50.A and 70-208.F to permit the construction of a second story addition to a single-family dwelling within a required front yard setback; S/side 162 Kamda Blvd., 429.46' E/of Bly Ct., New Hyde Park, Sec. 8, Blk. 333, Lot 11, R-C District.

**GRANTED**

**APPEAL #19222 – Deborah Yelvington**, variance 70-100.2A(4)(a)(4), 70-102.C(2), to permit the maintenance of a pool-enclosure fence exceeding the permitted height and extending beyond the rear building line; E/side 26 Stoothoff Dr., 210' S/of Kemp La., New Hyde Park, Sec. 9, Blk. 572, Lot 20, R-C District.

**ADJOURNED**

**APPEAL #19223 – Claire Gangi** – variances 70-39.C, 70-40.B and 70-100.2.D to permit the maintenance of a one-story addition exceeding the permitted gross floor area; a portico within a required front yard setback; and a stationary fireplace within a required rear yard; S/W/cor. 23 Valentine Dr. and Croyden Ct., Albertson, Sec. 9, Blk. 646, Lot 24, R-B District.

**RESERVED**

**APPEAL #19224 – Rene Kodumthara**, variance 70-100.2A(2), 70-100.2A(4), to permit maintenance of fence exceeding the permitted height & within a required front yard setback; S/W/cor. 170 Park Ave. & Thorens Ave., Garden City Park, Sec. 33, Blk. 156, Lot 171, R-C District.

**GRANTED**

**APPEAL #18636.A – Howard Development**, variance 70-132.A to permit the maintenance of an accessory structure (electrical transformer) within the front yard setback; S/W cor. 164 Northern Blvd. & Jayson Ave., Great Neck, Sec. 2, Blk. 71, Lots 1-10 B-A District (amendment to variance originally approved August 12, 2009).

**CONTINUED**

**APPEAL #19225 – Edward Pymm**, Appeal for Determination or, in the alternative, variance 70-208.F to permit additions & alterations to a non-conforming two-family dwelling; E/side 64 Locust St., 200' S/of Hillside Ave., Manhasset, Sec. 3, Blk. 48, Lot 106, I-B District.

**ADJOURNED**

**APPEAL #19226 – Syed Hussain**, variance 70-203.P(2), 70-213, 70-100.1A, 70-132.A, to permit the addition of a convenience store to an existing gasoline service station exceeding the permitted floor area and with insufficient landscaping; an accessory structures exceeding the permitted height within a required front yard setback; N/E/cor. 601 Port Washington Blvd. & Fairview Ave., Port Washington, Sec. 6, Blk. 4, Lot 135, B-A District.

**CONTINUED**

**APPEAL #19227 – Henry Monteverde**, conditional use 70-114.1.B, to permit the conversion of a retail space to a grocery store; S/side #1538 Union Tpke. 696.16' W/of New Hyde Park Rd., New Hyde Park, Sec. 8, Blk. 235, Lots 56, 57A,B, B-AA District.

**GRANTED W/CONDITIONS**

**APPEAL #19228 – Scott Grodsky**, variances 70-100.2H and 70-229.A, to permit the maintenance of existing A/C units in a required front yard setback and non-compliance with previous Appeal #7637; N/W/cor. 35 Glen Cove Rd. & Wellington Rd. Greenvale, Sec. 20, Blk. N, Lot 604, B-B/R-B Districts.

**GRANTED**

### **CONTINUED CASE**

**APPEAL #19134 - Ronald & Estelle Citrin**, variances 70-203.G & 70-225.E to permit the continued use of a parking lot in conjunction with an established restaurant; N/W/cor. #235 Roslyn Rd. & Thelma St., Roslyn Heights; Sec. 7, Blk. 68, Lot 48; B-A & R-C Districts.

**ADJOURNED**

**APPEAL #19170 - BP Products, N.A. Inc.**, variances 70-47 & 70-208.F to permit continued use of a non-conforming gasoline service station with accessory parking; S/E/cor. #4 Northern Blvd. & Glenwood St., Great Neck, Sec. 2, Blk. 55, Lots 52-53,54A-55A,661, B-A & R-C District.

**GRANTED**

## **RE-OPENED CASES**

**APPEAL #19104 – Claude Scudder**, conditional use 70-231 and variance 70-100.2.A.4(b) to permit the conversion of a single-family dwelling to a mother/daughter residence and the maintenance of a fence exceeding the permitted height; S/side #1030 Maple Ln., 214.81' W/of Center Dr., New Hyde Park, Sec. 9, Blk. 579, Lot 13, R-C District (original hearing closed July 13, 2011).

***DENIED***

**APPEAL #19173 – Sandy Portnoy**, appeal for determination on the applicability of Section 2-28 of the Town Code; E/side #40 Brussel Dr., 96.86' S/of Herbert Dr., New Hyde Park, Sec. 9, Blk. 589, Lot 23, R-C District (original hearing closed November 16, 2011).

***RESERVED***

## **RESERVED CASES**

**JANUARY 11, 2012**

**APPEAL #19090 – Thomas Iannotti/Kurt Jacobs, R.A.,** conditional use 70-45.A and variances 70-50.C and 70-230 to permit additions and alterations not in compliance with Town Code to a single family dwelling into a required front yard setback and a conversion to a mother-daughter use; N/side #295 Curtis Ave., 60' E/of Lindbergh Blvd., Carle Place, Sec. 10, Blk. 35, Lot 94, R-C District. (5-25-11).

**APPEAL #19109 – Charles Krypell Inc.,** appeal for a determination to review the Notice of Disapproval issued by the building official and variances 70-44, 70-103.B&F, 70-139.A and 70-203.G to permit the erection of 2 commercial buildings with insufficient off-street parking, loading zones, required planted buffer strip and parking within a residential district; N/E/cor #30 Glen Cove Rd. and Northern Blvd., Greenvale, Sec. 20, Blk. 29, Lot 52, B-B and R-C Districts. (6-22-11).

**APPEAL #19100 – Christopher Cavallaro,** variance 70-49.C to permit an addition and alteration to an existing one family dwelling exceeding the permitted gross floor area; E/side #60 Gerard Ave., 360' S/of Evans St., New Hyde Park, Sec. 8, Blk. 114, Lots 8-12, R-C District. (7-13-11).

**APPEAL #19110 – Hyung Ryul Shoi,** variances 70-125 and 70-215 to permit the construction of a single-family dwelling with frame construction in a business zone – not a permitted use; N/side #16 Arleigh Dr., 90.53' W/of Willis Ave., Albertson, Sec. 7, Blk. 76, Lots 26-28, B-A & R-B Districts. (7-13-11).

**APPEAL #19144 – G&I Contractors,** conditional use 70-139.I, variances 70-203.J and requests for determination or, in the alternative, variances 70-146.A, 70-145.A, , 70-212.A & 70-229.A to permit the maintenance of an expansion and alterations to a commercial structure within a required rear yard setback, not in compliance with a previous decision (Appeal No. 11936) and an accessory storage building; N/E/ cor #110 Mineola Ave., & Villa Pl., Roslyn Heights, Sec. 7, Blk. 30, Lot 23, B-B District. (9-7-11)

**APPEAL #19150 – 17-B Street Corp.,** request for determination or, in the alternative, variances 70-47.A, 70-47.1.D, 70-51.A, and 70-210.1 to permit the maintenance of an existing dwelling within a required side yard setback on a subdivided lot with insufficient lot area and lot width; N/side #17 School St., 425' E/of Harbor Rd., Port Washington, Sec. 5, Blk. A, Lot 159, R-C District. (9-21-11)

**APPEAL #19162 – Gennari's Italian and French Bakery/DBA Cardinali Bakery,** conditional uses 70-139.A & F and variances 70-103.A, 70-145.A, 70-146, and 70-203.G & J to permit the maintenance of additions and alterations to a commercial structure for use as a retail bakery, commercial bakery and restaurant with insufficient parking; elimination of clear space between vehicular entry doors and street; within a required rear yard setback; elimination of a required planting strip buffer; and fence exceeding the permitted height; N/side #465 Westbury Ave., 278.08' W/of Cherry Ln., Carle Place, Sec. 10, Blk. 18, Lots 54-59 & 161, B-B District. (10-5-11)

**APPEAL #19163 – M&G Services**, variance 70-196.J to permit the installation of two wall signs exceeding the permitted height above grade; E/side #488 Great Neck Rd., 100' S/of Clair St., Great Neck, Sec. 2, Blk. 50, Lot 6, B-A District. (9-21-11).

**APPEAL #19168 – Steven F. Levine**, variances 70-52, 70-100.2.A(2) and 70-100.2.A(4) to permit the maintenance of fencing exceeding the permitted height and masonry walls within the required front and rear yard setbacks; S/E/cor. #110 Plympton Ave. & E. Woodward St., Roslyn Heights, Sec. 7, Blk. 16, Lot 307, R-C District. (10-5-11)

**APPEAL #19171 – 813 Prospect Ave. LLC**, variances 70-195.14.A, C, & E, 70-208.F, and 70-215.A, to permit an addition of frame construction to an existing non-conforming commercial structure with inadequate screening of service areas from adjacent streets and neighboring residences for conversion of a two-family dwelling into a mixed use; N/W/cor. #813 Prospect Ave. & Sherman St., Westbury, Sec. 11, Blk. 103, Lot 46, B-A Zone, New Cassel overly district. (11-02-11)

**APPEAL #19176 – Sean McPartland**, variances 70-38, 70-39.B, 70-40.A, 70-41.A, and 70-208.F to permit a second story addition to a non-conforming single family dwelling within required front and side yard setbacks and exceeding the permitted lot coverage and gross floor area; N/side #131 Laurel Dr., 275' W/of Lawrence St., New Hyde Park, Sec. 8, Blk. 303, Lot 8, R-B District.

**APPEAL #19185 – James Graham**, variance 70-100.2.A(2) to permit the installation of a fence in a required front yard setback; N/W/cor. #96 Irma Ave. & Cannon Pl., Port Washington, Sec. 5 Blk. D, Lot 200, R-C District. (11-02-11)

**APPEAL #19186 – Michelle Bazzini**, variances 70-50.C, 70-100.2.H & 70-208.F to permit the maintenance of a deck within a required front yard setback and an A/C unit within a required side yard setback on a non-conforming single-family property; S/side #98 Bayview Ave., 510.64' W/of Mackey Ave., Port Washington, Sec. 5, Blk. 54, Lot 124, R-C District. (11-02-11)

**APPEAL #19189 – Eric Jennings**, variances 70-52, 70-100.2.A(2), & 70-100.2.H to permit the installation of a fence and A/C unit in a required front yard setback and the expansion of a deck into a required rear yard setback; S/E/cor. #78 Terrace Dr. & Clearland Ave., Carle Place, Sec. 10, Blk. 304, Lot 18, R-C District. (11-02-11)

**APPEAL #19200 - Chris Koestner**, variance 70-100.2.A(2), to permit the erection of fencing in a front yard and exceeding the permitted height, N/side 123 Willow St., 100' W/of Madison Ave., Roslyn Heights, Sec. 7, Blk. 26, Lots 5, 6, 47, 48, R-B District. (12-14-11)